

### REMARKS

Claims 1-28 were presented for examination, are pending and are rejected. Reconsideration is respectfully requested.

#### The Objections to the Disclosure

The disclosure is objected to because on page 16, line 6, there is a typo "s". The typo has been deleted.

The disclosure is objected to because on page 18, line 6, "mirror 166" is incorrect since the mirror is not assigned a number in the figure. The disclosure has been amended to provide a reference number to the mirror and Figure 7 (attached) has been amended accordingly.

Therefore the objections should be withdrawn.

#### The 35 U.S.C. § 103 Rejections

Claims 1-8, 10 and 13-24 are rejected as being unpatentable over the applicants' statement of the prior art in view of Cormack. The rejection is respectfully traversed.

Cormack teaches rotating the filter-mirror combination **314** about the vertex between the mirror and the filter. This will cause the input beam **302** to translate across the surface of the filter **308**. The attached Declaration, which is incorporated herein by reference, shows the reduced performance of a tunable filter that results from

translation of the incident beam along the surface of the filter. The applicants have amended claims 1 and 24, in accordance with their specification, to recite a means for selecting a range of wavelengths, where the means is operably rotatable on a pivot of rotation located at about the point where the incident beam of light is incident upon the means to minimize the location variation of the incident beam of light on the means. See e.g., page 16, line 3, Figure 5, and page 19, lines 8-9. Claim 2-8, 10 and 13-23 depend from claim 1. Therefore the rejection should be withdrawn.

Claim 12 is rejected as being unpatentable over Cormack as applied to claim 1 above, and further in view of Tai. The rejection is respectfully traversed.

The rejection of claim 12 should be withdrawn because it depends from claim 1.

#### Allowable Subject Matter

Claims 9 and 11 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

#### Conclusions

It is submitted that this application is in condition for allowance based on claims 1-25 in view of the amendments thereto, the foregoing comments and the attached Declaration.

If any impediments remain to prompt allowance of the case, please contact  
the undersigned at 808-270-1011.

Respectfully submitted,

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Dated: \_\_\_\_\_